

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DALE MAISANO,)
Plaintiff,)
v.) Case No. 3:13-cv-1217
CORIZON HEALTH INC. et al.,) Judge Trauger
Defendants.)

ORDER

The court dismissed this action without prejudice because the plaintiff, a frequent filer under 28 U.S.C. § 1915(g), failed to submit the filing fee or to plausibly allege imminent danger of serious physical injury. The plaintiff has now filed a notice of appeal. (ECF No. 7.) He has not submitted with his notice either the \$505 appellate filing fee or a motion to pursue his appeal *in forma pauperis* in accordance with Rule 24(a) of the Federal Rules of Appellate Procedure.

The court now certifies that the appeal of the dismissal is not in good faith. Because this appeal is not in good faith, the plaintiff would not be granted leave by this court to pursue his appeal *in forma pauperis*, even if he had filed a properly supported motion. Pursuant to Rule 24(a)(5), the plaintiff may nonetheless file, within **30 days** after service of this order, a motion with the Sixth Circuit Court of Appeals for leave to proceed as a pauper on appeal. *Owens v. Keeling*, 461 F.3d 763, 775 (6th Cir. 2006); *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

The plaintiff is notified that if he does not file a motion in the Sixth Circuit Court of Appeals within 30 days of receiving notice of this order, or fails to pay the required appellate filing fee of \$505.00 within this same time period, the appeal may be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804.

The Clerk of Court is **DIRECTED** to ensure service of this Order on the Sixth Circuit Court of Appeals.

It is so ORDERED


Aleta A. Trauger
United States District Judge